

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6279**

**BILL NUMBER:** SB 167

**NOTE PREPARED:** Dec 6, 2012

**BILL AMENDED:**

**SUBJECT:** Recording of Documents.

**FIRST AUTHOR:** Sen. Glick

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill removes a requirement that a document recorded or filed with the county recorder include a statement by the document preparer, affirming under the penalties for perjury, that the preparer has redacted each Social Security number in the document.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** *Summary* - The bill potentially reduces the number of people convicted of perjury, a Class D felony, by no longer subjecting a document preparer to the penalty for perjury.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$78,318 in FY 2012. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Background:** On average between 2007 and 2011, there were two offenders a year committed to a state correctional facility for perjury. (However, in 2010, there were nine offenders committed.) There are no data available to indicate if these offenders were document preparers required to sign a statement affirming that the preparer redacted the Social Security numbers from the document.

Additionally, the number of offenders found to have committed perjury may be understated to the extent that these nonviolent offenders may be sentenced to community corrections or their penalty reduced to a misdemeanor. As a result, not all perjury offenders would be committed to a state correctional facility.

**Explanation of State Revenues:** Fines revenues and court fees from perjury cases are collected in both the Common School Fund and the state General Fund. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

**Explanation of Local Expenditures:** If defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

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